

REMARKS

The above amendments and following remarks are responsive to the points raised in the April 7, 2005 non-final Office Action. Upon entry of the above amendments, Claims 2, 4, 5, 7, 8, 11-14, 16, and 17 will have been amended, Claims 1, 3, 9, and 10 will have been canceled, and Claims 2, 4-8, and 11-17 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Claim for Convention Priority

The Examiner acknowledges Applicant's (1) Petition to Expunge Erroneously Filed Document Under 37 CFR § 1.59(b) filed May 25, 2004 and (2) claim for foreign priority under 35 U.S.C. 119. The Examiner, however, urges "that applicant **has not** filed a certified copy of the Japan 55510/2001 application and Japan 46420/2002 application as required by 35 U.S.C. 119(b)."

As discussed in the Petition to Expunge, earlier filed Japanese Application Nos. 2001-55510, filed February 28, 2001 and 2002-46420, filed February 22, 2002 (the JP '510 and '420 priority documents), upon which priority has been claimed, were filed with the United States Patent and Trademark Office (USPTO) on June 7, 2002 in unrelated US application Serial No. 10/087,172 (the '172 application). A petition requesting that the JP '510 and '420 priority documents be expunged from the '172 application and matched with the present application was also filed on May 25, 2004.

On, or about, October 27, 2004, the Examiner in the '172 application mailed a Supplemental Notice of Allowability that stated:

"[a]pplicant's request filed 6/2/04 to have the certified copies of Japanese Application No.'s 2001-55510 and 2002-46420 expunged from this application and moved to 10/085,540 is acknowledged. The certified copies have been expunged from this application and forwarded to be matched with application 10/085,540."

In view of the above, Applicant hereby requests that the Examiner acknowledge receipt, by the USPTO, of the certified copies of the JP '510 and '420 priority documents in the next Office Action. A copy of the Supplemental Notice of Allowability from the '172 application accompanies the instant Amendment for the Examiner's convenience.

Response to Rejection under 35 U.S.C. § 103(a)

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,457,540 to Kajita in view of US Patent 5,710,594 to Kim and Japanese Publication JP 64-037168 to Otsubo. Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo and US Patent 4,586,029 to Tamura et al. (Tamura). Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo, and Japan Publication JP 06-165023 to Watanabe. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo and US Patent 6,650,365 to Sato. Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsubo in view of US Patent 5,485,208 to Mabuchi et al. (Mabuchi). Claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo, Mabuchi, and US Patent 5,668,596 to Vogel. Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo, Mabuchi, Vogel, and Tamura. Claims 14 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo, Mabuchi, Vogel, and Watanabe. Claims 16 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajita in view of Kim, Otsubo, Mabuchi, Vogel, and Sato. Applicant respectfully traverses these rejections.

As discussed below, the Examiner has indicated the allowability of the subject matter introduced in original dependent Claims 4, 11, and 13. The Examiner urges that Claims 4, 11,

and 13 would be allowable if rewritten in independent form and including all of the limitations of the base claim and any intervening claim.

In the interest of expediting the prosecution of the present application, Applicant has amended Claims 4, 11, and 13 to include all of the limitations of their respective independent claim and any intervening claim. On this basis, amended Claims 4, 11, and 13 are distinguished over the applied prior art references of Kajita, Kim, Otsubo, Tamura, Watanabe, Sato, Mabuchi, Vogel, and/or Tamura, either alone or in combination. Rejected dependent Claims 2, 5-8, 12, and 14-17 that depend, or have been amended to depend, from amended Claims 4 or 11 are likewise distinguished over the prior art references of Kajita, Kim, Otsubo, Tamura, Watanabe, Sato, Mabuchi, Vogel, and/or Tamura, either alone or in combination. As noted above, Claim 9 has been canceled.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Allowable Subject Matter

Claims 4, 11, and 13 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant concurs with the Examiner's finding.

CONCLUSION

Applicant respectfully submits that Claims 2, 4-8, and 11-17 are in condition for allowance and a notice to that effect is earnestly solicited.

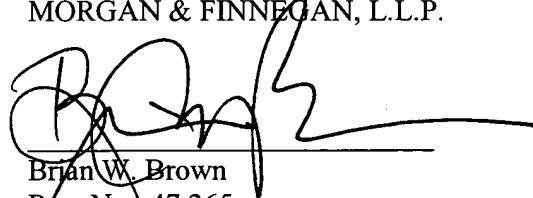
AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4827.

Respectfully submitted,
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